

GALLATLY, HANKEY & CO.

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

WITH A LETTER FROM THE SECRETARY OF STATE, PAPERS RELATING TO THE CLAIM OF MESSRS. GALLATLY, HANKEY & CO.

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JANUARY 22, 1902.—Referred to the Committee on Claims and ordered to be printed.

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WAR DEPARTMENT,  
*Washington, January 21, 1902.*

SIR: I have the honor to transmit herewith, together with other papers bearing upon the subject, a letter addressed to this Department, under date of November 21, 1901, by the honorable the Secretary of State, requesting, at the instance of the British ambassador, that the claim of Messrs. Gallatly, Hankey & Co., of London, for damage caused them in consequence of the fact that their vessel, the *Mogul*, was run into by the United States transport *Warren*, be brought to the attention of Congress with a view to securing the desired relief.

Attention is especially invited to the indorsement of the Acting Quartermaster-General of the Army on said letter, giving, briefly, a history of the case and pointing out certain items included in the claim which, in his judgment, are not proper charges against the Government.

From the evidence and reports accompanying the papers in the case the responsibility for the damage and demurrage of the steamship *Mogul* would appear to rest upon the United States Government, but as this claim is one for unliquidated damages and can not therefore be settled by the Department, the matter is submitted for the consideration of Congress, as requested by the Secretary of State.

Very respectfully,

ELIHU ROOT,  
*Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF STATE,  
Washington, October 22, 1901.

SIR: I have the honor to inclose, with a view to application to Congress for relief, should the claim prove meritorious, a copy of a note from the British embassy forwarding the demand of Gellatly, Hankey & Co., of London, for compensation on account of damages suffered by their vessel, the British steamship *Mogul*, in consequence of being run into by the United States transport *Warren*.

I have the honor to be, sir, your obedient servant,

DAVID J. HILL, *Acting Secretary*.

The SECRETARY OF WAR.

[First indorsement.]

WAR DEPARTMENT,  
QUARTERMASTER-GENERAL'S OFFICE,  
Washington, November 2, 1901.

Respectfully returned to the honorable Secretary of War.

The Acting Secretary of State incloses copy of a note from the British embassy requesting, on behalf of Messrs. Gellatly, Hankey & Co., of London, that satisfactory settlement be made of their claim for damages sustained by their steamship *Mogul* by being run into by the army transport *Warren* in Manila Bay on December 30, 1900.

The claim for damages sustained by the steamship *Mogul* referred to was prepared and presented by Messrs. Dodwell & Co., and included charges for demurrage of the vessel while being repaired, amounting in the aggregate to \$35,270.70. It was forwarded to this office by the general superintendent army transport service, San Francisco.

From the papers in the case it appears that the army transport *Warren*, when getting under way in Manila Bay on December 30, 1900, for her voyage to San Francisco, collided with the British steamship *Mogul*, lying at anchor; that the accident was due to the engines of the *Warren* being run contrary to signals given, for which the first assistant engineer of the *Warren*, who had charge of the engines at the time and had turned them over to the second assistant engineer, was held responsible.

Both the first and second assistant engineers were subsequently discharged from the transport service.

From the evidence and reports accompanying the papers in the claim, the responsibility for the damage and demurrage of the steamship *Mogul* seems to rest upon the United States Government. The claim is one for unliquidated damages, for settlement of which there is no appropriation under the control of the War Department, and Congress alone can grant relief in the case.

The general superintendent army transport service was advised accordingly by letter of this office of August 19, 1901, and was instructed to so advise Messrs. Dodwell & Co., and that all the papers in the claim are on file in this office and will be transmitted to any committee of Congress or other tribunal having jurisdiction in the case upon official application therefor.

A. S. KIMBALL,  
*Assistant Quartermaster-General, U. S. A.,*  
*Acting Quartermaster-General.*

BRITISH EMBASSY,  
*Newport, R. I., October 15, 1901.*

SIR: I have the honor, by direction of the Marquess of Lansdowne, to invite the attention of your Government in the following case:

On December 30, 1900, the British steamship *Mogul*, owned by Messrs. Gellatly, Hankey & Co., of London, while at anchor in Manila Bay, was run into by the United States Government transport *Warren* and so much damaged that she had to proceed to Hongkong for repairs, the cost of which, with expenses, amounted to \$35,270.70, Mexican money.

The owners, through Messrs. Dodwell & Co., their agents at Hongkong and Tacoma, applied to the United States Government for repayment.

In a communication dated August 27 last, Maj. O. F. Long, quartermaster of the United States Army station at San Francisco, forwarded to Messrs. Dodwell a copy of a letter addressed to him by the deputy quartermaster-general of the United States Army at Washington, stating, by the direction of the Acting Quartermaster-General, that, as the claim preferred by the owners of the vessel was for damages, there was no appropriation at the disposal of his department applicable to its payment, and that he was unable in consequence to consider it favorably. He added that Congress alone can grant relief in such cases.

In view of the fact that it is nearly nine months since the collision took place, and that it appears that neither the facts nor the cost of the damage are disputed by the United States military authorities, I am instructed to express the hope that your Government may see their way to a satisfactory settlement of the claim put forward by the owners of the vessel.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

GERARD LOWTHER.

Hon. ALVEY A. ADEE, ETC.

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WAR DEPARTMENT,  
*Washington, November 9, 1901.*

SIR: Referring to your letter of 22d ultimo and its inclosure, copy of a note from the British embassy, forwarding a claim of Gellatly, Hankey & Co., of London, for compensation on account of damage alleged to have been suffered by their vessel, the British steamship *Mogul*, as a consequence of being run into by the United States transport *Warren*, I beg to invite attention to the accompanying copy of report of the Acting Quartermaster-General of the Army on the subject, dated November 2, instant.

Very respectfully,

WM. CAREY SANGER,  
*Assistant Secretary of War.*

The SECRETARY OF STATE.

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DEPARTMENT OF STATE,  
*Washington, November 21, 1901.*

SIR: Referring to the letter of the 9th instant from your Department, I have now the honor, at the instance of the British ambassador,

to request you to be good enough to cause the necessary steps to be taken to bring the claim of Messrs. Gallatly, Hankey & Co., for the damage caused them in consequence of the fact that their vessel, the *Mogul*, was run into by the United States transport *Warren*, to the attention of Congress during the coming session, with a view to the granting of the desired relief.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

The SECRETARY OF WAR.

[First indorsement.]

WAR DEPARTMENT,  
QUARTERMASTER-GENERAL'S OFFICE,  
Washington, November 29, 1901.

Respectfully returned to the honorable Secretary of War.

The Secretary of State refers to letter of the Secretary of War of November 9, 1901, advising him of the status of the claim for damages to the British steamship *Mogul* by being fouled by the army transport *Warren* in Manila Bay on December 30, 1900, and requesting, at the instance of the British ambassador, that the claim be brought to the attention of Congress at the coming session with a view to granting of the desired relief.

The papers in the claim are herewith inclosed. From these papers it appears that the army transport *Warren*, when getting under way in Manila Bay on December 30, 1900, for the voyage to San Francisco, collided with the steamship *Mogul*, lying at anchor; that the accident was due to the carelessness of the first assistant engineer on the *Warren*, who had charge of the engine room at the time and turned the engines over to the second assistant engineer, who ran the engines contrary to the signals given, and the collision resulted; that both men were discharged from the transport service; that the *Mogul* went to Hongkong, China, where repairs were made, and Messrs. Dodwell & Co., at Hongkong, presented a claim for reimbursement of cost for repairs, amounting to, Mexican, \$13,848. For demurrage from date of collision to date of completion of repairs at Hongkong, twenty-three days at \$450 per day, \$10,350 gold, or, Mexican, \$21,068.70. For surveyor's fees, Mexican, \$354. Total amount claimed, \$35,270.70.

The claim is supported by bill of the Hongkong and Whampoa Dock Company, of Hongkong, for the repairs made to the *Mogul*, amounting to \$13,648.14 Mexican. This bill includes items of repairs made which it is considered are not proper charges against the Government, as they were not for damages sustained by collision of the *Warren*, viz: For labor and materials repairing bilge keels, Mexican, \$1,170; cleaning and painting bottom of ship, Mexican, \$1,279.90. Total, Mexican, \$2,448.90.

It also appears that when the accident occurred the *Mogul* was under orders to go to Hongkong, and the charge for demurrage from date of collision to date of completion of repairs should, it is thought, be reduced to the actual time the ship was detained at Hongkong undergoing repair of damages incurred by the collision.

The chief quartermaster at Manila, in forwarding the claim by indorsement herewith of June 19, 1901, expresses the opinion that the Government is responsible for the damages to the *Mogul* which were



caused by a collision with the army transport *Warren*, but should not pay for two coats of paint put on the ship's bottom, nor for demurrage until the vessel arrived at Hongkong. This opinion is concurred in by this office.

If the claim is submitted to Congress, as requested by the Secretary of State, it is recommended that attention be invited to the items referred to as apparently not proper charges against the Government.

The previous correspondence between the State and War Departments, within referred to, is herewith inclosed.

CHAS. BIRD,  
*Deputy Quartermaster-General U. S. A.,  
Acting Quartermaster-General.*

OFFICE OF THE PURCHASING QUARTERMASTER,  
UNITED STATES QUARTERMASTER'S DEPARTMENT,  
*Hongkong, China, March 8, 1901.*

CHIEF QUARTERMASTER DIVISION OF THE PHILIPPINES,  
*Manila, P. I.*

SIR: I have honor to inclose herewith claim, and correspondence concerning same, of Messrs. Dodwell & Co. for repairs, loss of time, etc., to the steamship *Mogul*, incident to collision with the U. S. army transport *Warren* on December 30, 1900.

In accordance with your cable of January 5 last, I made frequent inspection of the *Mogul* while repairs were being made, and the repairs enumerated in the inclosure marked "A," signed by Mr. D. Gillies, chief manager of the Hongkong and Whampoa Dock Company, were made by the Hongkong and Whampoa Dock Company. After receiving Messrs. Dodwell & Co.'s communication of January 25, 1901 (herewith inclosed), I wrote them and requested certain other information (reference inclosed letter of January 30, 1901). In reply to my letter they wrote me on March 5, 1901 (letter with inclosures herewith inclosed).

With reference to their reply of March 5, reply to my letter of January 30, you will notice that Dodwell & Co. did not answer my fourth and last question, which was considered by me the most important one in determining the amount of damages for lost time. Although Dodwell & Co. mention in their letter of March 5 that they will gladly furnish any other information desired, I did not think it necessary to again call for an answer to fourth question, as it had been previously requested.

If there is any other information desired please notify me and I will attempt to obtain same.

Very respectfully, your obedient servant,

SYLVANUS G. ORR,  
*Captain and Assistant Quartermaster, U. S. Volunteers.*

[First indorsement.]

HEADQUARTERS DIVISION OF THE PHILIPPINES,  
OFFICE OF CHIEF QUARTERMASTER,  
*Manila, P. I., March 12, 1901.*

Respectfully referred to the depot quartermaster, Manila, P. I., for complete report of the circumstances under which this collision took place, any information he may have regarding the responsibility for the collision, and any other information he may have which will assist in the settlement of the claim in proper manner.

C. P. MILLER,  
*Quartermaster, U. S. A., Chief Quartermaster.*

[Second indorsement.]

OFFICE OF DEPOT QUARTERMASTER,  
*Manila, P. I., March 15, 1901.*

Respectfully referred to Mr. D. Earnshaw, jr., superintendent marine engineer, Quartermaster's Department, U. S. A., Manila, P. I., for full report of the result of survey made shortly after the collision occurred. In this connection reference is made to the preceding indorsement.

THOMAS CRUSE,  
*Major and Quartermaster, U. S. Volunteers, Depot Quartermaster.*

[Third indorsement.]

OFFICE OF THE DEPOT QUARTERMASTER,  
Manila, P. I., March 18, 1901.

Respectfully returned to the depot quartermaster, Division of the Philippines, Manila, P. I., with the information that on the afternoon of December 31, 1900, I made an inspection of the damages sustained by the steamship *Mogul* caused by a collision with the U. S. army transport *Warren*.

The steamship *Mogul* was lying at anchor in Manila Harbor, and the *Warren*, which was lying at some distance astern of the *Mogul*, left her moorings and started on her voyage for the United States and ran into the *Mogul* bow on and causing considerable damage. The *Mogul* was struck almost amidships, and this clearly shows that the *Warren* must have tried to pass the *Mogul* either by the bow or stern, but misjudged the distance in turning. I was informed at the time that the *Warren* did not stay to make any inquiries or explanation regarding the collision, but proceeded on her voyage.

I respectfully call your attention to an item in the bill submitted by the Hongkong and Whampoa Dock Company, in which a charge is made for laying two coats of patent composition to ship's bottom while the *Mogul* was in dock. This has nothing to do with the damages caused by the collision and should not be paid by the Government.

It should also be noted that even before the collision took place the *Mogul* was at that time under orders to proceed to Hongkong, so that in my opinion demurrage should not commence until the vessel arrived in Hongkong. She left Manila on the morning of January 1, 1901, and must have arrived in Hongkong on the morning of the 4th January, when demurrage should have commenced until the work of repairs to damages were completed.

A true copy of my report made at that time is respectfully attached hereto.

D. EARNSHAW, JR.,  
*Marine Superintendent Engineer, Quartermaster's Department, Manila, P. I.*

[Fourth indorsement.]

OFFICE OF THE DEPOT QUARTERMASTER,  
Manila, P. I., March 19, 1901.

Respectfully returned to the chief quartermaster of the division, Manila, P. I., inviting attention to the preceding indorsement and to the inclosed report of Mr. Earnshaw, the marine superintendent engineer of this depot, made shortly after the collision.

I personally witnessed this accident, and there is not much doubt but what the *Warren* was in fault. As the *Mogul* at that time was under orders to proceed to Hongkong demurrage charges should not commence until after its arrival there. With regard to the charge for applying two coats of patent composition to the bottom of the ship, this should not be allowed.

The cost of the repairs should be itemized, showing the amount of labor and material furnished.

THOMAS CRUSE,  
*Major and Quartermaster, U. S. Volunteers, Depot Quartermaster.*

[Fifth indorsement.]

HEADQUARTERS DIVISION OF THE PHILIPPINES,  
OFFICE OF CHIEF QUARTERMASTER,  
Manila, P. I., March 21, 1901.

Respectfully returned to Capt. S. G. Orr, assistant quartermaster, United States Volunteers, Hongkong, for further information. This claim will be forwarded to the general superintendent army transport service, San Francisco, for settlement, and should be complete in all details.

The cost of repairs should be itemized. Any repairs made not due to this collision should be given and the time taken for same. The time of the arrival of the vessel in Hongkong and the time taken for the repairs due to the collision should be stated, and, finally, all the information necessary to enable the proper authorities to decide the claim.

C. P. MILLER,  
*Quartermaster, U. S. A., Chief Quartermaster.*

[Sixth indorsement.]

OFFICE OF THE PURCHASING QUARTERMASTER,  
UNITED STATES QUARTERMASTER'S DEPARTMENT,  
*Hongkong, China, May 25, 1901.*

Respectfully forwarded to Major Brooks. This being unfinished business, it is, in accordance with instructions received from chief quartermaster, Division of the Philippines, May 23, 1901, forwarded to you. When this claim was returned to me by indorsement March 21, 1901, I wrote Messrs. Dodwell & Co.; copy of letter, April 2, 1901, inclosed. As yet I have had no reply to that letter.

SYLVANUS G. ORR,  
*Captain and Assistant Quartermaster, U. S. Volunteers.*

[Seventh indorsement.]

U. S. ARMY TRANSPORT BURNSIDE,  
*Hongkong, China, June 15, 1901.*

Respectfully returned to the chief quartermaster, Division of the Philippines, Manila, P. I., inclosing all papers relative to the *Warren* and *Mogul* collision, together with letters received from Messrs. Dodwell & Co., dated 11th and 14th instants, and copy of log.

The affidavits asked for could not be furnished by Messrs. Dodwell & Co., being only agents. In the place, however, they have furnished a signed copy of the log, which fixes the date of collision; also a statement from the dock company, which shows the time when the repairs were completed. I desire to call your attention to the statement relative to paint on ship's bottom deteriorating when exposed to air and the offer of the company to stand one-third of the cost.

Also your attention is called to letter showing that the actual time the vessel was prevented from carrying cargo exceeded by several days the demurrage claimed. The company has told me verbally that no one here now has any knowledge of the damage to the bilge keels and that they are willing to accept the decision of those in Manila who are conversant with the facts.

JNO. C. W. BROOKS,  
*Major and Chief Quartermaster, U. S. Volunteers,  
Commanding U. S. Army Transport Burnside.*

[Eighth indorsement.]

HEADQUARTERS DIVISION OF THE PHILIPPINES,  
OFFICE OF CHIEF QUARTERMASTER,  
*Manila, P. I., June 19, 1901.*

Respectfully forwarded to the superintendent army transport service, San Francisco, Cal.

In the opinion of this office the Government is responsible for the damages to the *Mogul*, which were caused by a collision with the U. S. army transport *Warren*. The Government should not pay for two coats of patent composition put on the ship's bottom, neither should it pay demurrage until the vessel arrived at Hongkong, the morning of January 4.

As the *Mogul* will not return to this port, the papers are forwarded to his office for proper action.

C. P. MILLER,  
*Major and Quartermaster, U. S. A., Chief Quartermaster.*

[Tenth indorsement.]

OFFICE OF GENERAL SUPERINTENDENT ARMY TRANSPORT SERVICE,  
*San Francisco, Cal., July 31, 1901.*

Respectfully forwarded to the Quartermaster-General United States Army.

Under marine laws it is considered that the *Warren* is responsible for the damage done to the *Mogul*, and that the United States should pay for the necessary repairs and demurrage on that vessel.

Reference in this connection is made to papers forwarded February 6 and March 5, 1901, in connection with No. 113602, Quartermaster-General's Office, embracing reports of the officers on the *Warren* and of the marine superintendent and superintending engineer, and showing discharge of first and second assistant engineers on the *Warren* for neglect of duty.

OSCAR F. LONG,  
*Major and Quartermaster, U. S. A., General Superintendent.*

HONGKONG, January 25, 1901.

SIR: On behalf of Captain Bailey and owners of the steamship *Mogul*, we beg to hand you claim for cost of repairing the damage occasioned to that steamer by the steamship *Warren*, amounting as per Hongkong and Whampoa Dock Company's tender of the 17th January (copy of which we sent you on the 18th instant) to \$13,848 (Mexican) and for consequent loss of time amounting to \$21,068.70 (Mexican).

We shall be glad to hear when we may expect payment of the above amounts, so that we may advise owners, and, as the matter is one of considerable importance to them, we would respectfully ask you to give it your earliest attention.

We are, sir, yours faithfully,

DODWELL &amp; COMPANY, LTD.,

G. THIBEAUD,

*Acting Submanager.**Agents, Captain, and Owners Steamship Mogul.*

Capt. S. G. ORR, Quartermaster, U. S. A.

*Copy of the mate's log book of the steamship Mogul, December 30, 1900, to January 5, 1901.*

## STEAMSHIP MOGUL, FROM MOZI, AT MANILA.

[Sunday, December 30, 1900.]

Begins fine, clear, and calm. Washed decks, all fore and aft. Crew secured hatches and sent down derricks. Calm and fine.

Light and increasing land breeze springing up. About 4.27 p. m. U. S. Army transport *Warren* getting under way came ahead and collided with this ship, completely wrecking a quarter boat (No. 5) lying alongside and striking the ship on the starboard side, abreast of No. 3 hatch; did considerable sundry damage to bulwarks, stanchions, wales, and plating. Sounded the wells and found no water. Transport *Warren* sheered off and proceeded to sea. Quartermasters keeping anchor watch throughout. Day ends calm, clear, and fine.

[Monday, December 31, 1900.]

This day commences fine, clear, and calm. Washed decks fore and aft. Carpenter securing hatches. Quartermasters at various odd jobs. Crew painting over-side. On examination of No. 3 lower hold discovered several rivets and a but strap started, causing slight leakage below the water line. Calm and fine.

All work as in this a. m. Received a visit from Mr. Craig, Lloyd's surveyor, who, seeing the damage, recommended a small plate and cement cofferdam, which the ship's engineers at once proceeded to make. All finished. All officers on board. Usual night watch kept. Day ends with light variable airs and fine.

## STEAMSHIP MOGUL AT AND FROM MANILA TOWARD HONGKONG.

[Tuesday, January 1, 1901.]

Hours.	Courses steered.	Knots.	Fathoms.	Winds.	Barometer.	Thermometer.	Symptometer.	Log error.	Remarks, etc.
1	.....	.....	.....	.....	.....	.....	.....	.....	Begins fine, clear, and calm.
2	.....	.....	.....	.....	.....	.....	.....	.....	
3	.....	.....	.....	.....	.....	.....	.....	.....	
4	.....	.....	.....	.....	.....	.....	.....	.....	Crew painting overside and getting ready for sea.
5	.....	.....	.....	.....	.....	.....	.....	.....	
6	.....	.....	.....	.....	.....	.....	.....	.....	Received visit from Lyod's surveyor, who passed temporary repairs.
7	.....	.....	.....	.....	.....	.....	.....	.....	
8	.....	.....	.....	.....	.....	.....	.....	.....	
9	.....	.....	.....	.....	.....	.....	.....	.....	10 a. m., hove short. 10.30, anchor up. Proceeded full speed. Fine, clear, cloudy sky, and light breeze.
10/30	WS. ½ S.	.....	.....	NWly	.....	.....	.....	.....	
11	.....	.....	.....	.....	.....	.....	.....	.....	
12	.....	.....	.....	.....	29'' 86	83°	79°	2½° W.	



## STEAMSHIP MOGUL AT AND FROM MANILA TOWARD HONGKONG—Continued.

[Tuesday, January 1, 1901—Continued.]

Hours.	Courses steered.	Knots.	Fathoms.	Winds.	Barometer.	Thermometer.	Symple-someter.	Log error.	Remarks, etc.
1	N. 39° W.			Variable...					12.30, Corregidor Lt. Ho. abm.
2	N. 33° W.								Fine and clear, with light variable breeze.
3									
4					29" 86	84°	80°		5.6, C. Kapones, Lt. Ho. abm., dist. 7½'.
5/6	N. 29° W.			Northerly					
6									Log set 0' Co. N. 29° W. Light and increasing monsoon breeze, smooth sea, partly cloudy sky, and fine, clear weather.
7									
8				Nely	29" 86	83°	79°	29'	
9									
10									
11					29" 86	81°	76°	65'	
12									

Courses, various. Distance, 15. Latt. acct., 14° 27' N. Latt. obsd., 14° 27' N. Long. acct., 120° 38' E. Long. chron., 120° 38' E. Variation, nil. Draft of water, fore, 11' 9"; aft., 13' 4". Sails set, leaving. Lights, lookouts, pumps, and ventilators strictly attended to.

[Wednesday, January 2, 1901.]

Hours.	Courses steered.	Knots.	Fathoms.	Winds.	Barometer.	Thermometer.	Symple-someter.	Log error.	Remarks, etc.
1	N. 29° W.			Nely					Fine and clear. Moderate breeze and Nely swell.
2									
3									
4					29" 87	81°	77°	102'	Crew clearing holds. Tindal sick; off duty. Carpenter at various odd jobs.
5									
6									
7					29" 88	80°	76°	135	Hazy horizon, smooth sea, and moderate monsoon.
8									
9									
10									
11					29" 89	79°	77°	170'	Fine, clear sky.
12									

  

1	N. 22° W.			Nely					Fine and clear.
2									
3					29" 86	80°	76°	35'	Fresh monsoon, wind, and sea.
4									
5									Cloudy sky.
6									
7					29" 91	78°	74°	69'	Ship rolling and straining heavily in increasing sea.
8									
9									
10									
11					29" 92	78°	73°	106'	
12									

Courses, various. Distance, 222 9-2. Latt. acct., 17° 13' N. Latt. obsd., 17° 02' N. Long. acct., 118° 12' E. Long. chron., 118° 06' E. Variation, 1° E. Regulations strictly complied with.

## STEAMSHIP MOGUL AT AND FROM MANILA TOWARD HONGKONG—Continued.

[Thursday, January 3, 1901.]

Hours.	Courses steered.	Knots.	Fathoms.	Winds.	Barometer.	Thermometer.	Symptomometer.	Log error.	Remarks, etc.
1	N 22° W ..	.....	.....	ENE.....	.....	.....	.....	.....	Fine generally, cloudy sky, ship rolling considerably.
2	.....	.....	.....	.....	.....	.....	.....	.....	
3	.....	.....	.....	.....	.....	.....	.....	.....	
4	.....	.....	.....	.....	29" 90	78°	75°	144'	
5	.....	.....	.....	.....	.....	.....	.....	.....	Moderate monsoon and heavy swell.
6	.....	.....	.....	.....	.....	.....	.....	.....	
7	.....	.....	.....	.....	.....	.....	.....	.....	Crew and carpenter employed as yesterday.
8	.....	.....	.....	.....	29" 94	76°	74°	180'	
9	.....	.....	.....	.....	.....	.....	.....	.....	Tindall still sick; off duty. Wind and sea decreasing. Weather improving.
10	.....	.....	.....	.....	.....	.....	.....	.....	
11	.....	.....	.....	.....	.....	.....	.....	.....	
12	.....	.....	.....	.....	29" 95	79°	74°	217'	
1	N 12° W ..	.....	.....	ENE.....	.....	.....	.....	.....	Fine and clear, with cloudy sky.
2	.....	.....	.....	.....	.....	.....	.....	.....	
3	.....	.....	.....	.....	.....	.....	.....	.....	
4	.....	.....	.....	.....	29" 96	78°	72°	38'	
5	.....	.....	.....	.....	.....	.....	.....	.....	Moderate monsoon and sea throughout this p. m.
6	.....	.....	.....	.....	.....	.....	.....	.....	
7	.....	.....	.....	.....	.....	.....	.....	.....	
8	N 10° W ..	.....	.....	.....	29" 96	74°	72°	74'	
9	.....	.....	.....	.....	.....	.....	.....	.....	
10	.....	.....	.....	.....	.....	.....	.....	.....	
11	.....	.....	.....	.....	.....	.....	.....	.....	
12	.....	.....	.....	.....	29" 96	73°	73°	100'	

Courses, N. 40° W. Distance, 219.9. Latt. acct., 19° 31' N. Latt. obsd., 19° 50' N. Long. acct., 115° 41' E. Long. chron., 115° 39' E. Variation, 1° E.  
Lights, lookouts, pumps, and ventilators carefully attended to.

## STEAMSHIP "MOGUL" FROM MANILA TOWARD AND AT HONGKONG.

[Friday, January 4, 1901.]

Hours.	Courses steered.	Knots.	Fathoms.	Winds.	Barometer.	Thermometer.	Symptomometer.	Log error.	Remarks, etc.
1	N 10° W ..	.....	.....	ENE.....	.....	.....	.....	.....	Fine and clear, light breeze and sea.
2	.....	.....	.....	.....	.....	.....	.....	.....	
3	NW ½ N ..	.....	.....	.....	.....	.....	.....	.....	
4	.....	.....	.....	.....	29" 96	72°	68°	148'	
5	.....	.....	.....	.....	.....	.....	.....	.....	5 o'clock, slow; 6 o'clock, full speed. 6.25 Waylan I. Lt. Ho. abm., dist. ½'.
6	Various ..	.....	.....	.....	.....	.....	.....	.....	
7/45	Orders ..	.....	.....	.....	.....	.....	.....	.....	6.50, h. speed; 7 o'clock, slow; 7.10, pilot on board.
8	.....	.....	.....	.....	.....	.....	.....	.....	
9	.....	.....	.....	.....	.....	.....	.....	.....	Brought up in 6 fathoms, with 30 fathoms on starboard anchor. Light, variable airs, and fine with partly cloudy sky. Draft on arrival, 11' 9" and 13' 2".
10	.....	.....	.....	.....	.....	.....	.....	.....	
11	.....	.....	.....	.....	.....	.....	.....	.....	
12	.....	.....	.....	.....	.....	.....	.....	.....	

[Saturday, January 5, 1901.]

At noon dockyard gangs began repairs to damages arising from collision with United States transport *Warren* at Manila.

P. STUART BAILEY, *Master*.  
ARTHUR ANDERSON, *Chief Officer*

## LLOYD'S REGISTER OF BRITISH AND FOREIGN SHIPPING.

MANILA, January 2, 1901.

[This report must bear only the signature of surveyors to Lloyd's Register of Shipping.]

This is to certify that A. Forbes Greig, the undersigned surveyor to this society, did, at the request of Messrs. Ker & Co. and D. S. Bailey, master of the British steamer *Mogul*, No. 875 in the register book, lying at anchor in the bay of Manila, proceed on board that vessel and survey damages stated to have been done through collision with the U. S. transport *Warren*, and report as follows:

I found on starboard side main rail and bulwark plating, from main rigging to after end of bridge deck, more or less broke and twisted; also seven bulwark stays bent, broke, or started from deck; waterway slightly started. After plate of sheer strake, also after plate of side strake of bridge bent, broke, and twisted; bridge deck slightly sprung at after corner and lining in bath room, under bridge, started. One boat, hanging from davits on poop deck, badly damaged. Second deck sheer strake indented to about 1 inch in depth; also top side strake and side plating bent. Angle attaching second deck stringer to frames started for about 5 feet, cement broke and started, one frame bent. So far as can be seen, the damage under water is confined to plate above bottom side stringer, which is slightly indented at butt strap, where several rivets were leaking. This has been made tight by securing a plate to frames and filling in space with cement. The vessel proceeds to Hongkong to be docked and have all damage made good.

A. FORBES GREIG, *Acting Surveyor*.

Fee .....	\$64
Launch hire .....	40
	<hr/> 104

Messrs. Dodwell & Co., *Ld.*, agents steamship *Mogul*, to the undersigned, *Dr.*

For total survey fees and certificates .....	\$250
No. 796, 798, and 799.	
E. & O. E.	
Received payment.	

GILMAN & Co., *Lloyds' Agents*.

HONGKONG, 26th February, 1901.

Capt. S. G. Orr, *quartermaster, United States Army, present.*[U. S. *Warren* in collision with steamship *Mogul* in Manila Bay 30th December, 1900.]

For cost of repairing damage sustained by steamship <i>Mogul</i> as per H'kong and Wh. Dock Co'y's tender of 17th January, 1901.....	\$13,848. 00
For loss of time sustained by steamship <i>Mogul</i> in consequence of collision, from date of collision until date of completion of repairs in Hongkong, viz, 22nd January, 1901, 23 days, at g. \$450 per day, rate of demurrage as per U. S. Government charter party, dated 24th October, 1900, g. \$10,350; Mex. 49½.....	21,068. 70
A. Forbes Greig, act. surveyor, Lloyds' register of British and foreign shipping, Manila, fee .....	104. 00
Gilman & Co., Lloyds' agents, survey fees.....	250. 00
	<hr/> 35,270. 70

E. &amp; O. E.

DODWELL & Co., *LTD.*

G. THIBEAUD,

*Acting Submanager, Agent Steamship Mogul and Owners.*

HONGKONG, 6th March, 1901.

To all to whom these presents shall come, I, John Hays, notary public, duly authorized, admitted, and sworn, residing and practising at Victoria, in the island and British Colony of Hong-Kong, do hereby certify that I was present on the

twenty-first day of February, instant, at Victoria, aforesaid, and did then and there see David Gillies, the person named in the annexed paper, writing, or statutory declaration, duly sign and declare the said statutory declaration, and that the name or signature, "David Gillies," thereto subscribed is of the proper handwriting of the declarant, the said David Gillies, and that the name or signature, "John Hays," subscribed thereto as the notary public before whom the said statutory declaration was made is of the proper handwriting of me, the said notary.

In testimony whereof I have hereunto subscribed my name and affixed my seal of office this 21st day of February, one thousand nine hundred and one.

[SEAL.]

JOHN HAYS,  
Notary Public, Hongkong.

CONSULATE-GENERAL OF THE UNITED STATES, Hongkong.

I, William Foote Aldrich, acting consul of the United States for the colony of Hongkong, do hereby certify that John Hays, whose name is subscribed to the annexed instrument, a statutory declaration, is a notary public in and for the colony of Hongkong, and is duly qualified and acting as such, that I am well acquainted with the handwriting of said John Hays, and that his signature to the said instrument is genuine.

In testimony whereof I have hereunto set my hand and affixed my official seal, this 22nd day of February, 1901.

[SEAL.]

WILLIAM FOOTE ALDRICH,  
Acting U. S. Consul-General.

This is the paper writing or tender, marked "A," referred to in the annexed statutory declaration of David Gillies, declared before me this — day of February, 1901.

[SEAL.]

JOHN HAYS,  
Notary Public, Hongkong.

A.

TENDER.

*From the Hongkong and Whampoa Dock Co., Ltd., for the following work to the S. S. "Mogul."*

To repair the damage detailed as follows:

*Starboard side.*—One bridge side plate fractured, and 12 feet moulding broken and one length moulding bent; one bulwark plate slightly indented, one indented, and one fractured; one bulwark rail bar and moulding in way of this damage bent; 5 bulwark stanchions broken and four bent; one boat, 22 feet long, destroyed; three shell plates, just abaft the bridge, above the water line, indented, and one frame bent.

The fractured side plating to cut out, and a new plate to be fitted, one piece of new moulding to be fitted, one length of moulding to be cut off, faired, and replaced; one bulwark plate to be faired in place; one to be cut out, faired, and replaced; one bulwark plate to be cut out and replaced with a new plate; the rail bar and moulding in the way of the above damage to be cut off, faired, and refitted.

The five bulwark stanchions to be cut off, welded up, faired, and refitted, and four to be cut off, faired, and refitted.

Three shell plates to be cut off, faired, and replaced, and one frame faired in place. To the ship to be placed in dry dock for examination and repairs under water.

To cut out one plate in strake I, fair the same and replace it, fair the plate above and below which are indented in place.

To cut out two plates in H strake under the above damage, fair and replace them, and fair one in place.

To cut one frame, fair it, and fit butt straps and bosom pieces.

To cut off two lengths of bilge keel and fair and replace, fit them with butt straps and angle bars, and fair one length in place.

To all new material to be of the same scantling as the original.

To after the work is completed, all to be tested with water pressure, and everything to be properly watertight, and all new work to receive three coats of paint.



To build one quarter boat 22 feet long and fit her the same as the boat that has been destroyed.

To paint bottom with 2 coats patent composition.

The whole of the above repairs to be carried out to the satisfaction of Lloyd's surveyor, and completed for the sum of, including all dock hire—

\$13,848.00.

D. GILLIES, *Chief Manager.*

HONGKONG, 17th January, 1901.

In the matter of the steamship *Mogul* and in the matter of the statutory declarations act, 1835.

I, David Gillies, of Victoria, in the colony of Hongkong, chief manager of the Hongkong and Whampoa Dock Company, Limited, do solemnly and sincerely declare and say as follows:

1. The steamship *Mogul* was placed in dry dock at Kowloon, number 2 dock, in the colony of Hongkong, on the 14th day of January, 1901, in order that the damages sustained by the said steamship *Mogul* from and owing to a collision with the U. S. transport steamship *Warren* might be repaired.

2. On being placed in dry dock the said vessel was surveyed and was found to have suffered certain damages from the said collision, all of which damages are set out in the paper writing or tender hereunto annexed, marked "A," and signed by me, and which is dated the 17th day of January, 1901.

3. The said damages have now been repaired and made good to the satisfaction of the surveyor to Lloyd's Register at this port in every respect.

4. The cost of repairing the said damages amounted to \$13,848, as appears by the said paper writing or tender hereinbefore referred to, which amount has been received by me from Messieurs Dodwell and Company, Limited, the agents of the steamship *Mogul* at this port.

And I make this solemn declaration conscientiously, believing the same to be true, and virtue of the provisions of the statutory declarations act, 1835.

D. GILLIES.

Declared at Victoria, in the colony of Hongkong, this 21st day of February, 1901.  
Before me.

[SEAL.]

JOHN HAYS, *Notary Public.*

COPY OF LLOYD'S SURVEYOR'S REPORT ON DAMAGES DONE TO S. S. MOGUL.

This is to certify that A. Forbes Greig, the undersigned surveyor to this society, did at the request of Messrs. Ker & Co. and D. S. Bailey, master of the British steamer *Mogul*, No. 875 in the register book, lying at anchor in the Bay of Manila, proceed on board that vessel and survey damage stated to have been done through collision with the U. S. transport *Warren*, and report as follows:

I found on starboard side main rail and bulwark plating from main rigging to after end of bridge deck more or less bent, broken, and twisted; also seven bulwark stays bent, broke, or started from deck; waterway slightly started. After plate of sheer strake, also after plate of side strake of bridge, bent, broke, and twisted; bridge deck slightly sprung at after corner, and lining on bathroom under bridge started. One boat hanging from davits on poop deck badly damaged. Second deck sheer strake indented to about 1 inch in depth, also top side strake and side plating bent. Angle attaching second deck stringer to frames started for about 5 feet. Cement broke and started, one frame bent. So far as can be seen the damage under water is confined to plate above bottom side stringer, which is slightly indented at but strap, where several rivets were leaking. This has been made tight by securing a plate to frames and filling in space with cement. The vessel proceeds to Hongkong to be docked and have all damages made good.

Fee .....	\$64
Launch hire .....	40

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A. FORBES GREIG, *Acting Surveyor*

MANILA, 3d January, 1901.

The DEPOT QUARTERMASTER, Manila, P. I.

SIR: We now beg to confirm the intimation and particulars already given you verbally in our conversations of 31st ultimo and 1st instant, respecting the damage done to the steamship *Mogul* by the United States army transport *Warren* when the latter was leaving the bay on the afternoon of the 30th ultimo, at 4.27 p. m. The *Warren* collided with *Mogul* when leaving her moorings, and whilst the latter was lying at anchor.

The damages have been duly inspected and surveyed by Lloyd's surveyor here, and for your information we beg to hand you a copy of that official's report. Of course you will realize that it is impossible to verify with absolute certainty the extent of the damages until the vessel comes to be docked in Hongkong, when she will be again surveyed by Lloyd's surveyor in that port, and you shall be immediately informed of the result.

The *Mogul* sailed for Hongkong on the morning of the 1st instant.

Respectfully requesting the favor of your acknowledgment of the present,

We are, sir, yours, respectfully,

P. P. FINDLAY & Co.,

L. W. DUCK,

*Agents of Steamship Mogul.*

S. S. MOGUL, Manila Bay, December 31, 1900.

The UNITED STATES QUARTERMASTER IN CHARGE, Manila.

SIR: I beg to inform you that this steamer was run into by the U. S. army transport *Warren* about 4.30 p. m. yesterday, and we have sustained considerable damage to side plating, bulwarks, etc. It will be necessary for us to dry dock for repairs.

Will you please have a survey held to ascertain extent of damage, as I am anxious to proceed to Hongkong as soon as possible and repair this damage.

I am, sir, yours, obediently,

D. STUART BAILEY,

*Master Steamship Mogul.*

HONGKONG AND WHAMPOA DOCK COMPANY, LIMITED,

*Hongkong, June 6, 1901.*

Messrs. DODWELL & Co.

DEAR SIR: In reply to your favor of the 30th ultimo regarding the repairs to the steamship *Mogul*, at Kowloon docks in January last, I beg leave to inform you that the repairs to the bilge keels and the painting of the bottom did not delay the vessel in dock, as the former were completed two days before those to the side plating, and all the bottom of the vessel was painted on the 20th of January, except the part that was under repair.

The steamer was undocked on the 21st January at 9 a. m., and the other repairs were not finished until the 23d.

I am, dear sirs, yours, faithfully,

D. GILLIES, *Chief Manager.*

HONGKONG, June 11, 1901.

Maj. J. C. W. BROOKS,

*Chief Quartermaster United States Volunteers, U. S. Transport Burnside.*

SIR: The following is our reply to Captain Orr's communication of the 2d April last:

First. We inclose itemized tender of the Hongkong and Whampoa Dock Company.

Second. Repairs to bilge keels, \$1,170; painting with two coats composition, \$1,278.

Lloyds' surveyor, in his supplementary survey report of the 15th January, copy of which was furnished your Department, was our authority for claiming for the cost of repairs to bilge keels. We have drawn his attention to your objection to this portion of our claim, and it appears that while he was of opinion when making up his report that the damage in question was due to the collision, he is ready to admit that it is possible that this opinion is wrong. If the opinion in Manila is that the bilge keels can not have suffered in the collision, and you will kindly furnish us with an authoritative statement to that effect, we will agree to the withdrawal of the above item.

The steamer would not have docked if the collision had not occurred, and it would not have been necessary to paint her bottom. That the damage itself did not necessitate all the painting, we admit; but a considerable portion of the paint on the starboard side beyond the places of actual damage was rubbed by the *Warren*, and exposure to the atmosphere has, as you are aware, a weakening effect on the anti-fouling properties of patent compositions, and in this instance, the steamer having been in dry dock for about a week, almost made it necessary that she should be recoated.

We think you should allow the cost of this painting, but are willing to meet you by offering to bear one-third of the cost, viz, \$426.

Third. The inclosed letter from the chief manager of the dock company, dated 6th instant, makes it clear that no extra time was used in repairing the bilge keels and painting bottom.

Fourth. We can not agree that the time occupied by the steamer in coming here from Manila should be deducted from our demurrage claim.

We beg to refer you to the following extract from our letter of the 5th March last, addressed to Captain Orr:

"At the time of the collision the steamship *Mogul* was under owners' orders to proceed to this port, unless contrary instructions reached her, with the intention that she should lead on the berth for Japan ports, for which cargo was at that time plentiful at profitable rates of freight. These orders were to stand good, unless in the meantime other employment for which owners were negotiating was arranged for her. The collision put an end to all these negotiations and the steamer had perforce to come to this port to effect repairs. By the time these repairs were completed a complete change in the requirements for tonnage for Japan ports had taken place and we were unable to secure any cargo whatsoever, and had to be content to send the steamer up to Japan in ballast and to accept a charter for her to load coal thence to the Philippines."

So long as the steamer was in a condition to undertake any employment, owners' negotiations might have resulted in her being ordered in any direction; but the collision at once put her out of the freight market, stopped the pending negotiations, and necessitated her coming here.

Extract from log, signed by captain and chief officer, which we send for your perusal, will show you that the voyage from Manila to this port took a little less than three days.

We have not claimed for the heavy loss incurred by the owners in consequence of the total absence of local freight when she again became fit for work and consequent dispatch hence to Japan in ballast, and must respectfully submit that our claim for demurrage is just and reasonable.

The above-mentioned extract from log will give you the time of steamer's arrival here, and Mr. Gillies's letter states when the repairs were completed. If, in addition to this documentary evidence, you require an affidavit, we shall be pleased to provide the same.

We can not think of any additional information which might expedite settlement of the claim, but are at your entire disposal for any information you may still want.

We are, sir, your obedient servants,

DODWELL & Co., LIMITED.  
G. THIBEAUD,  
Acting Submanager.

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UNITED STATES ARMY, QUARTERMASTER'S OFFICE,  
Hongkong, China, April 2, 1901.

Messrs. DODWELL & Co., Hongkong.

SIRS: With reference to your claim submitted for repairs and demurrage to steamship *Mogul*, I have the honor to inform you that same was forwarded from this office to Manila on March 8, and that it has been returned for corrections, as follows:

First. That the tender of the Hongkong and Whampoa Dock Company be itemized in order that it may give the cost of each repair separately, showing the amount of labor and material furnished.

Second. That the items for repair to bilge keel and the laying of two coats of composition on bottom should be stricken from the repair bill, as the collision with the *Warren* did not effect these items.

Third. That the additional time required for the completion of the work embodied in the two items above mentioned, and any other repairs not incident to the collision with the *Warren*, should be deducted from the demurrage claim.

Fourth. That inasmuch as the *Mogul* was under orders to proceed from Manila to Hongkong at the time of the accident the time required in coming here, namely, four days, should also be deducted from the demurrage claim.

In addition to the above, it is suggested that you file with your claim an affidavit setting forth the exact time of the arrival of the *Mogul* in Hongkong; also the exact time the repairs were completed.

We should be glad to have you file with your claim any additional information that you may have, in order to expedite the settlement of your claim.

Very respectfully,

SYLVANUS G. ORR,  
*Captain and Assistant Quartermaster, U. S. Volunteers.*

A true copy.

SYLVANUS G. ORR,  
*Captain and Assistant Quartermaster.*

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OFFICE OF THE PURCHASING QUARTERMASTER,  
UNITED STATES QUARTERMASTER'S DEPARTMENT,  
*Hongkong, China, January 30, 1901.*

Messrs. DODWELL & Co., *Hongkong, China.*

GENTLEMEN: With reference to your favor of 25th instant, submitting claim for repairs to and loss of time of the steamship *Mogul* consequent upon her collision with the U. S. army transport *Warren*, I have the honor to request, in order to economize time in settlement and that the claim may be made as complete and accurate as possible before same is forwarded to the proper officials for review, that you furnish an affidavit, made in accordance with the laws of the colony, from the Hongkong and Whampoa Dock Company, setting forth the repairs made and the amount of money paid them for same by you.

With reference to the lost time, for which you claim damages, information is requested on the following points:

Had there been no collision with the *Warren* in Manila Bay would the *Mogul* have come at this time to Hongkong, and when? If no, then to what port would the *Mogul* have gone, and when?

Please give the amount of cargo, if any, the *Mogul* had on board when she left this port after being repaired? If she had cargo, the date this cargo was ready for delivery to the ship?

Under ordinary conditions, how many days would have been required at Hongkong for the vessel to coal, secure and stow her usual cargo?

Did the *Mogul* sustain any pecuniary loss by reason of the fact that, on account of this damage, she was unable to carry out any contract that she may have had? If so, please state specifically the names of parties to such contracts and the amounts in detail so forfeited.

With the above additional information to accompany your claim I feel sure settlement of same will be hastened.

Very respectfully,

SYLVANUS G. ORR,  
*Captain and Assistant Quartermaster, U. S. Volunteers.*

A true copy.

SYLVANUS G. ORR,  
*Captain and Assistant Quartermaster, U. S. Volunteers.*

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HONGKONG, March 5, 1901.

Capt. S. G. ORR,  
*Assistant Quartermaster, U. S. Volunteers.*

SIR: We must apologize for our tardy acknowledgment of your favor of the 30th January. The delay has been partly occasioned in obtaining the required affidavit. This affidavit we now inclose, and beg to reply below to the points raised in your letter.

At the time of the collision the steamship *Mogul* was under owners' orders to proceed to this port, unless contrary instructions reached her, with the intention that she should load on the berth for Japan ports, for which cargo was at that time plentiful at profitable rates of freight. These orders were to stand good, unless in the meantime other employment for which owners were negotiating was arranged for her. The collision put an end to all these negotiations, and the steamer had per-



force to come to this port to effect repairs. By the time these repairs were completed a complete change in the requirements for tonnage for Japan ports had taken place, and we were unable to secure any cargo whatsoever, and had to be content to send the steamer up to Japan in ballast, and to accept a charter for her to load coals thence to the Philippines.

Under ordinary conditions the *Mogul* should have loaded here a full cargo for Japan ports in three to four days.

You will therefore see from the above that the owners of the *Mogul* suffered heavy pecuniary loss in consequence of the collision, besides having to pay current expenses of the steamer during the entire time spent in making good the damage, to cover which we only claim the daily rate of demurrage arranged for in her recent charter to the United States Government.

If you require further information in order to expedite settlement, we shall be happy to give it to you.

We take this opportunity of amending our claim of the 24th January by the inclusion of survey fees incurred at Manila and here amounting to \$354.

We are, sir, yours, respectfully,

DODWELL & Co., LTD.

S. THIBEAUD,

*Acting Submanager as Agent for Steamship Mogul and Owners.*

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MANILA, P. I., January 1, 1901.

Maj. THOMAS CRUSE,

*Quartermaster, U. S. Volunteers, Depot Quartermaster, Manila, P. I.*

SIR: Acting under your instructions, I have inspected the damages sustained by the steamship *Mogul* by a collision with the U. S. Army transport *Warren* in Manila Harbor, and have the honor to report as follows:

The side plate at the after end of the bridge deck is torn and badly bent; some of the moldings are bent and one length of molding broken; the waterway on bridge deck is slightly started, as also the wood lining in the bathroom under the bridge deck.

Two of the bulwark plates are indented and one badly bent and broken; four of the bulwark stays or stanchions are more or less bent and five others are broken; one length of rail bar is also bent. There are eight plates of the hull more or less indented, four of which are below the water line; one of the butt straps, together with some rivets, are started and leaking slightly; one of the frames in the way of these plates is bent. The quarter boat, which was lying alongside at the time of the collision, is badly broken up and beyond repair.

As the damage to the bottom plates below the water line can only be examined from inside the ship's hold, an exact cost of the repairs can not be estimated until further inspection in dry dock, but from what could be seen the cost will be approximately \$6,000 gold.

Very respectfully,

D. EARNSHAW, Jr.,

*Marine Superintendent Engineer, Quartermaster's Department, P. I.*

A true copy.

CHAS. C. WENDELL, Jr.,

*Major, Forty-fourth Infantry, U. S. Vols., Assistant to the Depot Quartermaster.*

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HONGKONG, June 14, 1901.

Maj. J. C. W. BROOKS,

*Chief Quartermaster, U. S. Volunteers, U. S. Transport Burnside.*

SIR: Adverting to our respects of the 11th instant, we would respectfully beg to point out to you that owing to the absence of freight hence to Japan when the repairs to the *Mogul* were completed, and to the consequent necessity for sending her hence in ballast, the actual loss in earning power to the owners exceeded in point of time the twenty-three days claimed by us. To illustrate this we give you the following dates:

Supposing the *Mogul* had not been prevented from sailing by the collision with the U. S. transport *Warren*, and had left Manila on the 30th December, she would have arrived here say on the 3d January, and in the ordinary course would have commenced the loading of the freight engaged for Japan on that day or on the morning of the 4th. She did not, however, arrive before the 4th, and was not ready for

sea before the 24th, on which day she proceeded in ballast to Karatz, where she arrived on the 31st January, and, according to custom, probably commenced loading on the 1st February.

The above dates show an interval of twenty-eight to twenty-nine days between the dates of the 3d or 4th January, when she should have commenced to load cargo, and the 1st of February, when she again actually commenced to earn freight for her owners.

We submit the above to you with no intention of altering the claim already preferred, but merely with the view of supporting our statement that our claim is just and reasonable.

We beg to remain, sir, your obedient servants,

DODWELL & Co., LIMITED,  
G. THIBEAUD, Acting Submanager,  
Agents Steamship Mogul and Owners.

Capt. S. G. Orr, quartermaster, U. S. Army, present.

[U. S. Warren in collision with S. S. Mogul in Manila Bay 30th December, 1900.]

For cost of repairing damage sustained by steamship <i>Mogul</i> , as per H'Kong & Wh. Dock Coy's tender of 17th January, 1901 .....	\$13,848.00
For loss of time sustained by steamship <i>Mogul</i> in consequence of collision, from date of collision until date of completion of repairs in Hongkong, viz: 22nd January, 1901, 23 days, at \$450.00 per day (rate of demurrage as per U. S. Government charter party, dated 24th October, 1900) G. \$10,350.00, Mex. 49½ .....	21,068.70
	<hr/> 34,916.70

E. & O. E.

HONGKONG, 24th January, 1901.

DODWELL & Co., LTD.,  
G. THIBEAUD, Acting Sub manager,  
Agents Steamship Mogul and Owners.

D. STUART BAILEY,  
Master Steamship *Mogul*.

No. 106.]

KOWLOON DOCK,  
Hongkong, 19th January, 1901.

Captain and owners of steamship *Mogul* to the Hongkong & Whampoa Dock Company, Ltd.

To repairs to damage—

*Starboard side*.—One bridge side plate fractured, and 12 feet moulding broken and 1 length of moulding bent, one bulwark plate slightly indented, one indented and 1 fractured, 1 bulwark rail bar and moulding in way of this damage bent, 5 bulwark stanchions broken and four bent.

1 boat 22 ft. long destroyed, 3 shell plate just abaft the bridge above the water line indented, and 1 frame bent.

To the fractured side plating cut out and a new plate fitted, one piece of new moulding cut off, faired and replaced, and one bulwark plate faired in place:

Labour .....	\$720.00
Material .....	524.00
	<hr/> \$1,244.00

To one bulwark plate cut out and replaced with a new plate, the rail bar and moulding in way of the above damage cut off, faired, and replaced:

Labour .....	682.00
Material .....	487.00
	<hr/> 1,169.00

To the 5 bulwark stanchions cut off, welded up, faired, and refitted, and 4 cut off, faired, and refitted:

Labour .....	272.00
Material .....	178.00
	<hr/> 450.00

To 3 shell plates cut off, faired, and replaced, and 1 frame faired in place:		
Labour .....	\$926.00	
Material .....	304.00	
		\$1,230.00
To the ship placed in dry dock for examination and repairs under water .....		
		910.50
To cutting out one plate in strake No. 1, fairing the same, and replacing it, fairing the plate above and below, which were indented, in place:		
Labour .....	923.00	
Material .....	327.00	
		1,250.00
To cutting out 2 plates in strake under the above damage, fairing and replacing them, and fairing 1 in place:		
Labour .....	892.00	
Material .....	360.00	
		1,252.00
To cutting one frame, fairing it, and fitting butt straps and bosom piece:		
Labour .....	239.00	
Material .....	185.00	
		424.00
To cutting off 2 lengths of bilge keel and fairing and replacing, fitting them with butt straps and angle bars, and fairing 1 length in place:		
Labour .....	884.00	
Material .....	286.00	
		1,170.00
To testing all the above work with water pressure and everything properly water-tight, and all new work receiving 2 coats of paint:		
Labour .....	150.00	
Material .....	100.00	
		250.00
To building one quarter boat, 22 ft. long, and fitting her the same as the boat that was destroyed:		
Labour .....	120.00	
Material .....	140.00	
		260.00
To chunaming and painting bottom with 2 coats patent composition:		
Labour .....	767.34	
Material .....	511.56	
		1,278.90
To extra dock hire, 6 days, and 3 days for night work .....		
		2,959.74
		<u>13,848.14</u>

